

REMARKS

Claims 1-21 and 24-51 are pending in this application. Claims 2-21, 24-43 and 46 stand withdrawn. By this Amendment, claims 53-55 are canceled without prejudice to or disclaimer of the subject matter recited therein.

I. Telephonic Interview

Applicants appreciate the courtesies extended to Applicants' representative during the telephonic interview conducted on September 15, 2004. During the interview, Examiner Graham indicated that he would allow the withdrawn claims if rejoinder is again requested in reply to the Quayle Action so long as claim 1 remains generic to all species in light of the amendments made to the claims.

II. Information Disclosure Statement

Applicants request acknowledgement of receipt and consideration of the references listed on Form PTO-1449 filed on December 22, 2003. To date, Applicants have not received an initialed copy of the Information Disclosure Statement. A copy of the date-stamped receipt and Form PTO-1449 are attached.

III. Priority Documents

Applicants respectfully request acknowledgement of receipt of the certified copies of the priority documents filed on December 15, 2000.

IV. Formal Matters

The Office Action indicates that the application is in condition for allowance except for formal matters including cancellation of the withdrawn claims and/or revising the claims to proper dependent form.

Applicants assert that the application is in condition for allowance as withdrawn claims 53-55, directed to a non-elected species are cancelled.

Applicants respectfully request rejoinder and allowance of withdrawn claims 2-21 and 24-46, as depending from allowed generic claim 1. Claim 1 recites in part "a change

restricting means" and "a switching control device" which features are disclosed in the first through eighth embodiments of Figures 1-14, each of which is provided with a feature of the change restricting means, as well as the ninth embodiment disclosed in Figs. 15-20 and the tenth through twelfth embodiments of Figs. 21-25 each of which includes the switching control device.

Additionally, the amendments made to claim 1 relate to the switching control device (embodiments of Figs. 15-25). The elected ninth embodiment of Figs. 15-20 is arranged to execute the control routine of Fig. 16 for controlling the switching device on the basis of the running condition of the vehicle only when the diagnosing device determines that the braking system is normal. The ninth embodiment is arranged to switch the operating state of the braking system from the first operating state to the second operating state on the basis of "a running speed of the vehicle" and "a value indicating a state of operation by a operator of a manual operable member" in the form of the ignition switch.

The tenth through twelfth embodiments of Figs. 21-25 are modifications are the ninth embodiment, all of which are arranged to execute the control routine of Fig. 16. The tenth embodiment of Fig. 21 is arranged to execute the braking pressure control routine of Fig. 21 in place of the routine of Fig. 17 of the elected ninth embodiment of Figs. 15-20. The control routine of Fig. 21 is formulated to select the operating state on the basis of "a running speed of the vehicle".

The eleventh embodiment of Figs. 22-24 is arranged to execute the first state selecting routine of Fig. 22 in place of the routine of Fig. 20 of the ninth embodiment. The control routine of Fig. 22 is formulated to switch the operating state from the second operating state to the first operating state on the basis of "a value indicating a slipping state of said wheel". The twelfth embodiment of Fig. 25 is a modification of the braking system of the ninth embodiment of Fig. 15, in that shut-off valves are provided in the braking system of the twelfth embodiment.

For at least the foregoing reasons, pending claim 1 is generic to all species.

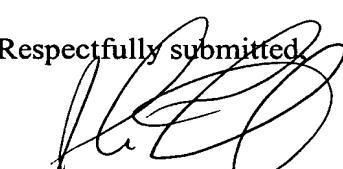
Accordingly, Applicants respectfully request the rejoinder and allowance of the pending claims.

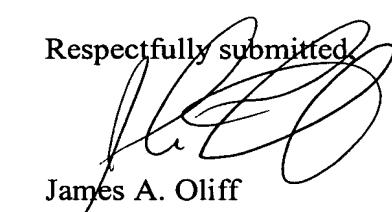
V. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-21 and 24-51 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,


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JAO:JWF/ldg

Attachments:

PTO Date-Stamped Receipt
Form PTO-1449

Date: October 19, 2004

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| Form PTO-1449 (REV. 8-83) | | US Dept. of Commerce PATENT & TRADEMARK OFFICE | ATTY DOCKET NO. 108143 | APPLICATION NO. 09/736,440 | | |
| INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary) | | OCT 19 2004 U.S. PATENT DOCUMENTS | | | | |
| EXAMINER INITIAL | | DOCUMENT NUMBER | DATE | NAME | | |
| | | 5,568,962 | 10/1996 | Enomoto et al. | | |
| | | 5,927,827 | 7/1999 | Reuter et al. | | |
| | | 4,848,853 | 7/1989 | Mizuno et al. | | |
| | | 5,762,406 | 6/1998 | Yasui et al. | | |
| | | 5,588,718 | 12/1996 | Winner et al. | | |
| | | 4,874,207 | 10/1989 | Nishii et al. | | |
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| FOREIGN PATENT DOCUMENTS | | | | | | |
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PTO RECEIPT FOR FILING OF PAPERS

► Mail Room (Regular Delivery)

The following papers have been filed:

Information Disclosure Statement, European Search Report, PTO-1449 and 7 references



Name of Applicant: Kazunori KAGAWA et al.

Serial No.: 09/736,440

Atty. File No.: 108143

Title (New Cases):

Sender's Initials: JAO:JWF/ldg

145/46

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